

# North Charleston Police Department Policy and Procedure Manual

## Policy # O – 02



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| <b>Subject:</b> Use of Force                   | <b>Issue/Rev. Date:</b> Mar. 8, 2017 |
| <b>Approved by:</b> <i>Reginald L. Burgess</i> | <b>Effective Date:</b> Mar. 8, 2017  |
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### I. Purpose

To provide the North Charleston Police Department with a formal policy regarding the use and application of deadly and non-deadly force.

### II. Policy

The North Charleston Police Department recognizes and respects that the value of human life is immeasurable. Police officers, because of their sworn responsibility to protect life and property, may be required to utilize deadly force or less than deadly force to carry out this duty. However, the protection of life must always take priority over the apprehension of criminals or the protection of property. An officer of the North Charleston Police Department, while he/she is engaged in the lawful execution of his/her legal duties as a law enforcement officer, will use only that force which is reasonable and necessary to effect his/her objectives. The officer's responsibility for protecting life must and does include his/her own.

### III. Definitions

- A. Deadly Force:** That degree of force likely to cause death or great bodily harm. The term “deadly force” does not include the appropriate discharge of impact munitions by a law enforcement officer during and within the scope of his or her official duties.
- B. Non-deadly Force:** Any use of force other than that which is considered deadly force.
- C. Reasonable Belief:** Facts or circumstances an officer knows, or should know, which cause an ordinary and prudent person to act or think in a similar way under similar circumstances.
- D. Physical Force:** Any force applied to the body, excluding the use of a weapon, in order to achieve compliance with lawful orders or to affect a lawful arrest.
- E. Slight Physical Harm:** An injury that is minor and does not require medical treatment (e.g. bruise, redness, slight strain).
- F. Moderate Physical Harm:** An injury that does require medical treatment (e.g. lacerations that require stitches, strains and sprains).
- G. Serious Physical Injury:** Great bodily harm that creates a substantial risk of death, permanent disfigurement or long term loss or impairment of the function of any bodily member or organ.
- H. Use of Force Matrix:** The Use of Force Matrix is a set of guidelines established to assist officers of the North Charleston Police Department in their decision-making process regarding the appropriate use of force.
- I. Expandable Baton:** A departmental approved defensive impact weapon, designed to be used with specific techniques to subdue or control violent subjects.
- J. Chemical Agent:** A departmental approved defensive weapon that is an aerosol spray that causes profuse watering of the eyes and nose, which creates a sense of discomfort and disorientation that, may cause the person to cease violent acts.
- K. Taser:** A departmental approved defensive weapon with projectiles that transmits electrical pulses to override the central nervous system and control the skeletal muscles.

**L. Less Lethal Impact Munitions:** a departmental approved defensive impact munition that is discharged from a firearm, which is designed to stun, temporarily incapacitate, or cause temporary discomfort to a person without penetrating the person's body.

#### IV. Procedure

**A. Use of Force Matrix:** The Use of Force Matrix is meant to be used as a guideline for officers to select effective, reasonable, and legal force options in a verbal or physical encounter. The Use of Force Matrix is comprised of Subject Resistance Levels and Officer Response Levels which incorporate the following:

1. Subject Resistance Levels:
  - (a) Level 1: Presence – no physical harm: A subject is there, on the scene, associated with possible suspicious activity.
  - (b) Level 2: Verbal Resistance – no physical harm: A subject may verbally refuse to comply with an officer's requests or attempts to control the situation. The subject may threaten the officer with further resistance. Or, the subject may not verbally respond to the officer.
  - (c) Level 3: Passive Physical Resistance – slight potential for physical harm: A subject physically refuses to comply or respond to an officer's command. The subject does not make any attempt to physically harm the officer, but forces the officer to engage in physical maneuvers to take a person into custody. Examples of passive physical resistance may include bracing, tensing, or any other act that offers no active physical resistance.
  - (d) Level 4: Active Physical Resistance – moderate potential for physical harm: A subject physically makes aggressive maneuvers that actively and physically resist the officer's attempt at arrest or seizure. This may be in the form of pushing and or pulling away from the officer while attempting to seize or place a suspect under lawful arrest. Active Physical Resistance occurs when a subject creates an immediate safety risk to the officer that is reasonably likely to be cured by the officer's use of a defensive weapon. An active fighting stance by a suspect who refuses to be handcuffed would also be included as active physical resistance.
  - (e) Level 5: Aggressive Physical Resistance – elevated potential for physical harm: A subject makes overt, hostile, attacking movements which may cause injury, but are not likely to cause death or great bodily harm to the officer or others.
  - (f) Level 6: Aggravated Physical Resistance – high potential for great bodily harm or death: A subject makes overt, hostile, attacking movements with or without a weapon with the apparent ability to cause death or great bodily harm to the officer or others.
2. Officer Response Levels:
  - (a) Level 1: Command Presence – no potential for physical harm:
    - (1) Presence: The officer is present, on the scene, with the subject. This includes proper voice and/or other identification, body language, and awareness by the subject that he/she is dealing with an officer.
    - (2) Field Interview Stance: The officer adopts a stance outside of his/her danger zone that provides appropriate protection and forms the basis of an effective physical response if attacked. In such a stance, the firearm or strong side leg is back; the non-firearm or weak side leg is forward; the feet are about shoulder width apart; knees slightly bent giving balance, control and a lower body center of gravity; equally distributed body weight, and the hands are positioned above the waist.
  - (b) Level 2: Communication – no potential for physical harm:
    - (1) Dialogue: A two way, controlled, non-emotional communication between the officer and subject, aimed at problem identification, resolution, and de-escalation.
    - (2) Verbal Direction: An officer advises or commands a subject to engage in or refrain from a specific action or non-action.
    - (3) Touch: A touch used to comfort or console a distraught individual. An officer may use a soft assisting touch when guiding, directing, or obtaining the attention of a subject, or a firm strong touch prior to escalating to a higher level of force.

- (c) Level 3: Physical Control – slight potential for physical harm:
- (1) Restraint devices: Mechanical tools used to restrict a subject's movement and facilitate searching; such as handcuffs, flex cuffs, leg irons, belly chains, etc.
  - (2) Escorts: Techniques used to control and/or move a subject from point A to point B with minimum effort by the officer in order to gain and retain control over the subject.
  - (3) Take Downs: Techniques that redirect, in a controlled manner, a subject to the ground in order to limit physical resistance and to facilitate the application of a restraint device.
  - (4) Pain Compliance: Techniques that force a subject to comply with an officer as a result of the officer inflicting controlled pain upon specific points in the subject's body, such as pressure point techniques.
  - (5) Counter Moves: Techniques that impede a subject's movement, such as blocking, dodging, weaving, re-directing, or avoiding, followed by appropriate controlling techniques.
- (d) Level 4: Defensive Weapons – moderate potential for physical harm:
- (1) Taser is an Electronic Control Device with projectiles used to subdue a subject.
  - (2) Impact Munitions that are designed to stun, temporarily incapacitate, or cause temporary discomfort to a subject.
  - (3) Chemical Agent: Aerosol spray agent used to subdue a subject.
  - (4) Less Lethal Impact Weapons that are primarily used to control a subject such as an expandable baton.
  - (5) Any other defensive weapon of opportunity available to the officer in absence of the officers department issued defensive weapons.
- (e) Level 5: Incapacitation – elevated potential for physical harm:
- (1) Techniques that are intended to stun or render a subject temporarily unconscious or unable to resist such as a strike to a major nerve area. These techniques may be delivered with or without an impact weapon.
  - (2) Empty hand techniques to vital areas of the subject's body may be utilized in circumstances or situations where the actions of a subject constitute aggravated physical resistance which could result in great bodily harm, permanent disability, permanent disfigurement or death to the officer or others.
- (f) Level 6: Deadly Force – high potential for great bodily harm or death:
- (1) Techniques that may result in death, great bodily injury, permanent disability or permanent disfigurement, such as impact weapon strikes to the head, or use of firearms.
  3. As a subject increases his/her resistance level from verbal to physical, an officer may have to increase the level of his/her response until the resistance ceases and the officer is able to gain control of the subject. As soon as the point of subject compliance is reached, the officer must de-escalate his/her response level to the minimum force necessary to control the subject.
  4. In properly determining the appropriate response to a subject's resistance, several factors must be evaluated by the officer. For instance, an unarmed, small framed female, juvenile subject may be displaying Level 5 resistance, may only require a Level 3 response by the average officer. On the other hand, a single officer faced with a larger subject may find that his/her response to even mild resistance must be escalated to a relatively high point on the matrix. It must be remembered that by law, an officer need not retreat in his/her efforts to lawfully control a subject, but may utilize the amount of force necessary to accomplish his/her task. This is not to say that a tactical retreat in the face of overwhelming odds may not be a wise choice.
  5. Additional factors that should be considered when making use of force decisions include:
    - (a) Subject Factors:
      - (1) Seriousness of crime committed by subject.
      - (2) Size, age, and weight of subject.

- (3) Apparent physical ability of subject.
- (4) Number of subjects present who are involved, or who may become involved.
- (5) Weapons possessed by or available to the subject.
- (6) Known history of violence
- (7) Known Mental illness of subject (refer to policy #O-10).
- (8) Presence of innocent or potential victims in the area.
- (9) Whether evidence is likely to be destroyed.
- (b) Officer Factors:
  - (1) Size, physical ability, and defensive tactics expertise of the officer.
  - (2) Number of officers present or available.
  - (3) An officer's available reaction time to a potential threat.
  - (4) Weapons or restraint devices available to the officer.
  - (5) Legal requirements.
  - (6) Agency policy.
  - (7) Environment.
  - (8) Personal knowledge of suspect's history of violence
  - (9) Personal knowledge of suspect's mental illness (refer to policy #O-10).
- (c) The above listed subject and officer factors are not all inclusive. Any and all determining factors must be properly articulated by the officer employing physical force.

## **B. Use of Deadly Force**

1. Parameters for use of deadly force:
  - (a) An officer may use deadly force only when the officer reasonably believes that the action is in defense of human life, including the officers own life, or in defense of any person in imminent danger of serious physical injury.
  - (b) To prevent the escape of a fleeing felon whom the officer can clearly articulate facts that indicate that the felon, if allowed to flee, will pose an immediate threat to human life.
2. If practical, police officers shall identify themselves and state their intent, prior to discharging their firearm.
3. A police officer may also discharge a weapon under the following circumstances:
  - (a) During departmental approved range practice or competition.
  - (b) To destroy an animal that represents an immediate threat to public safety.
4. Police officers shall adhere to the following restrictions when their weapon is exhibited:
  - (a) Except for maintenance or during training, police officers shall not draw or exhibit their firearm unless circumstances create reasonable cause to believe that it may be necessary to use the weapon.
  - (b) When an officer exhibits his or her firearm in accordance with policy, the officer's finger shall remain off the trigger unless there exists a threatening target to engage and the officer is committed to stopping the threat.
  - (c) Warning shots are prohibited.
  - (d) Police officers shall not fire their weapons from a moving vehicle.

- (e) Police officers shall not discharge their weapons at or into a moving vehicle unless it is absolutely necessary to do so to protect against an imminent danger to the life of the officer or others.
  - (f) Police officers shall not intentionally place themselves in the path of an oncoming vehicle or attempt to disable the vehicle by discharging their firearms.
5. Departmental shotguns may be issued to assigned officers' within the department. The following procedures will be followed in relation to storage and training regulations.
- (a) All officers assigned a shotgun will be required to complete a mandatory departmental approved training course, to include yearly recertification.
  - (b) Shotguns will be stored in the trunk and secured by a departmental approved rack.
  - (c) Shotguns will be stored with a full magazine and empty chamber. The manual safety will also be engaged during storage.

### **C. Patrol Rifle Procedures**

The Department issues semi-automatic rifles to specifically trained officers for use where the police may face heavily armed and/or ballistically protected criminal suspects. These rifles are tools which increase officer safety and allow the potential resolution of these incidents by providing the officer a tactical advantage not available with more conventional police firearms. The procedures listed below do not apply to members of the SWAT Team. Procedures for the SWAT team are contained in Policy O-22 (Special Weapons and Tactics (S.W.A.T.) Team).

#### **1. Identification of officers**

Division Commanders will be responsible for identifying officers, within their division, who will be issued patrol rifles.

#### **2. Training and Qualification**

Officers identified to receive patrol rifles will receive deadly force weapons training as outlined in the Training and Qualifications – Deadly Force Weapons section of this policy. Officers issued patrol rifles will also be required to complete training and qualifications on the patrol rifle as follows:

- (a) Officers identified to receive patrol rifles will be required to successfully complete the departmental patrol rifle qualification course under the supervision of a certified firearms instructor.
- (b) Officers issued patrol rifles will be required to qualify on the patrol rifle semi-annually under the supervision of a certified firearms instructor.
- (c) A certified firearms instructor will inspect and approve all patrol rifles during semi-annual qualifications.

#### **3. Deployment**

- (a) The overriding concern when deploying the patrol rifle will be the safety of officers and the general public. The patrol rifle has the capability to project deadly force far beyond the standard issued police handgun and officers should always consider the increased range of the patrol rifle before deployment.
- (b) Patrol rifles will be deployed only in situations that the officer may reasonably believe that the tactical advantage afforded by the rifle would be necessary. Patrol rifles are not intended to be deployed on routine calls for service where the deployment of the patrol rifle cannot be reasonably justified. Deployment of the patrol rifle is appropriate, but not limited to, the following situations:
  - (1) the officer reasonably believes a suspect may be encountered who is wearing protective body armor;
  - (2) a suspect is believed to be armed with or has immediate access to a high capacity or shoulder fired weapon;
  - (3) a suspect is believed to be armed and situated in a distant or fortified location which affords the suspect a tactically superior position;
  - (4) the officer is responding to an active shooter;

- (5) the officer is maintaining a perimeter where an armed suspect is sought;
  - (6) the officer is effecting the rescue of wounded personnel; or
  - (7) other situations where approval for deployment of the patrol rifle is authorized by the shift supervisor.
- (c) Officers who complete an assignment, which required them to chamber a round in the rifle, will unload the chambered round in a safe location, ensure the bolt is closed, reload the magazine, load the magazine back into place, and make sure the safety is on before returning the rifle to their patrol vehicle.

#### 4. Issue, Storage, Security, and Maintenance

- (a) Patrol rifles will be issued by the Training Section in accordance with Policy A-05 (Fiscal Management).
- (b) Officers who are issued patrol rifles will:
  - (1) be responsible for the safe and secure storage of the rifle at all times;
  - (2) while on duty or while engaged in a department approved off-duty job, secure the rifle in the department mount or department issued rifle case, located in the trunk of their patrol car, until such time as it is necessary to deploy the rifle in accordance with this policy. The patrol rifle will be stored with the chamber empty, bolt closed, with a loaded magazine in place and the safety on;
  - (3) while off duty the patrol rifle will be removed from the patrol car and placed in a regular rifle case manufactured for that purpose. The patrol rifle will be stored with the chamber empty, bolt closed, the safety on and without a magazine loaded in the weapon. The case will be locked and placed inside the officers residence; and
  - (4) carry the patrol rifle, except when used in an actual incident, with the bolt closed, without a round in the chamber, with a loaded magazine, and with the safety on.
- (c) Patrol rifles will be maintained according to the manufacturer's recommendations and in such a manner that they are clean and in good operating condition. Officers assigned patrol rifles will be responsible for cleaning and field stripping the weapon, as needed. All other maintenance and repairs of patrol rifles will be conducted by a certified department armorer.
- (d) Officers will inspect patrol rifles at the beginning of their tour of duty, in a safe location, to ensure they are operationally ready. Patrol rifles will be considered operationally ready when they have been inspected by the assigned officer and meet the following conditions:
  - (1) the chamber is empty;
  - (2) the bolt is forward;
  - (3) the safety is on;
  - (4) a loaded magazine is in the rifle.
- (e) Only department issued accessories are authorized on the patrol rifle. Officers will not modify or add accessories to their patrol rifle.
- (f) Officers who are on extended leave (longer than 4 days of leave) will turn their department issued patrol rifle into the Training Section until their return from leave.

#### 5. Personally Owned Patrol Rifle

- (a) Officers of the agency are permitted to utilize personally owned AR-15 style rifles that are capable of firing department issued .223 caliber ammunition. Officers who elect to utilize their personally owned rifles are responsible for all costs associated with the weapon. The Training Section will provide ammunition for department sponsored training, qualification, and duty. Officers are responsible for purchasing ammunition used for practice at their own expense.

- (b) Policy and Procedures in reference to Training, Qualification, Deployment, Storage, Security, and Maintenance must be followed in accordance with Section IV, C of this policy.
- (c) Prior to qualification training, all personally owned patrol rifles will be inspected by a departmental patrol rifle armorer. Personally owned patrol rifles will not be utilized or carried until approved by the Chief of Police and the successful completion of departmental training and qualification.
- (d) The department will not be responsible for any maintenance, repairs, damage, or the loss of any personally owned patrol rifle. All costs associated with personally owned patrol rifles with the exception of ammunition is the officer's responsibility.
- (e) Personally owned patrol rifles must be equipped with a sling system suitable for tactical deployment where the weapon may be retained "hands-free" yet ready for immediate use and allows for two-handed transition to the officer's primary weapon.
- (f) Modifications to personally owned patrol rifles for duty use are strictly prohibited. This would include, but is not limited to, optics, sighting systems, or any personal inscriptions. Officers will be required to purchase and utilize patrol rifle mounted flashlights that are identical to those purchased for department owned patrol rifles.
- (g) Officer wishing to utilize their personally owned patrol rifles are required to submit an Administrative Action Form through their chain of command to the Chief of Police stating the make, model, and serial number.

#### **D. Use of Non-Deadly Force.**

- 1. Where deadly force is not authorized, officers should assess the incident in order to determine which non-deadly technique or defensive weapon (Taser, Chemical Agent, Expandable Baton, Less Lethal Impact Munitions) will best de-escalate the incident and bring it under control in a safe manner.
- 2. Only authorized personnel are qualified to handle or carry departmental approved defensive weapons. Employees are only permitted to carry defensive weapons when in a working capacity or departmental approved off-duty working status.

#### **E. Taser Procedures**

- 1. Officers may use an approved Taser when they are required to use physical force for protection from assault and/or take a person into custody when Level 4 or higher resistance by a subject is encountered. Fleeing will not be the sole justification for the use of a Taser on a subject. The Taser will not be used simply as a pain compliance tool regardless of drive stun or dart mode. Taser use is permitted against aggressive animals.
- 2. Clear and calm communication is critical to mitigating any potential use of force situation. This level of control includes any verbal requests, directions, or commands from the officer to a subject. Repeated verbal communication is recommended anytime verbal requests, directions, or commands are not adhered to.
- 3. The Taser should generally not be used under the following conditions, unless exigent circumstances exist that can be clearly articulated:
  - (a) Intentionally aimed at a subject's head, neck or groin.
  - (b) Handcuffed subjects unless they are in active physical resistance as defined by policy.
  - (c) When a person is in an elevated position where a fall from a significant height may cause serious physical injury or death.
  - (d) On subjects in physical control of a vehicle in motion. (e.g.: automobiles, trucks, motorcycles, ATV's, bicycles, scooters or mopeds).
  - (e) Simultaneous officer deployments should be avoided unless a subject's action requires such.
  - (f) Individuals who are elderly, pregnant, or children very young in age.

4. No changes, alterations, modifications or substitutions shall be made to the Taser. All repairs to Tasers or accessories shall be completed by an authorized and approved technician.
5. After an officer uses a Taser to take a subject into custody, the officer shall:
  - (a) Handcuff the subject to minimize the threat of injury to either the officer or the subject.
  - (b) Remove the Taser prongs at the earliest opportunity. The Taser prongs shall only be removed by officers who have completed departmental approved training in the use of the Taser.
    - (1) Taser prongs that have struck the face, groin or female breasts shall only be removed by an approved medical facility.
    - (2) Taser prongs that have struck a person's body shall be considered a biological hazard and shall be handled accordingly.
    - (3) Medical attention will be sought for a subject whenever three activations or more of the Taser are utilized. Medical attention will also be summoned for any activation that is coupled with symptoms of excited delirium or drug psychosis.
6. Any discharge other than the function test, either intentional or accidental, will necessitate the immediate notification of the officer's immediate supervisor. Function tests will only be conducted during the individual officer's roll call or team briefing. The only exception would be a function test conducted by the officer immediately prior to a scheduled off-duty assignment.
7. The data port on the Taser stores the time and date the Taser was fired. Information from the dataport can only be downloaded by the Training Section or Office of Professional Standards personnel.
  - (a) The information from the dataport will be downloaded by the Training Section at each officer's annual recertification training course. The Training Section will then forward a copy to each officer's immediate supervisor for placement in his/her individual performance file.
  - (b) Personnel assigned to the Office of Professional Standards may also download information from the dataport when needed to facilitate an investigation.

#### **F. Chemical Agent**

1. An issued Chemical Agent may be utilized when Level 4 or higher resistance by a subject is encountered.
2. Officers will not use a Chemical Agent when there is a possibility of the spray contaminating civilians in the immediate area, unless the risk of physical injury to those individuals or the officers is greater than the danger posed by the use of the Chemical Agent.
3. If at all possible, prior to the application of a Chemical Agent, the officer will verbally alert other officers in the immediate area of its use.
4. A one-second burst that accurately encompasses the face area produces the most effective results. Additional bursts may be necessary if it becomes apparent from the subject's continued aggression that the face area has not been effectively targeted by the initial spray.
5. Subjects who have been sprayed with a Chemical Agent will be closely monitored and reassured that they are safe and will be cared for. The officer will also advise the subject to breathe normally and relax as much as possible.
6. Decontamination of the suspect is the responsibility of the arresting officer. A subject sprayed with a Chemical Agent will be decontaminated by the officer as soon as possible. This consists of flushing with large quantities of cold water. If available, a non-oil-based soap will help remove the resin from the skin. The suspect should remain restrained during this process.
7. Medical assistance must be sought in the event the offender displays any excessive symptoms after the initial spray such as respiratory distress or bleeding from the nose. In addition, medical attention must also be sought if the offender has not experienced any relief within forty-five minutes of the decontamination process.



#### **G. Expandable Baton**

1. An issued expandable baton may be utilized when Level 4 or higher resistance by a subject is encountered.
2. The issued expandable baton shall be carried and utilized only as authorized and no changes, alterations, modification, or substitutions shall be made to the expandable baton without the prior written approval of the Chief of Police via memorandum through the chain of command.
3. When utilizing the expandable baton, officers shall use only that degree of force which is necessary to protect anyone from physical attack or to overcome actual physical resistance to arrest.
4. Intentionally striking the head with the baton shall be considered a Level 6 response – Deadly Force and must comply with the departmental policy regulating the use of Deadly Force. The intentional striking of the head in any situation less than the parameters authorized under Deadly Force is prohibited.
5. All officers assigned a departmental Taser have the option of carrying their expandable baton.

#### **H. Less Lethal Impact Munitions**

1. Only designated personnel that are trained in the use of Less Lethal Impact Munitions are authorized to deploy such munitions.
2. Only departmental approved firearms and munitions will be utilized by assigned personnel.
3. Less Lethal Impact Munitions may be used when Level 4 or higher resistance by a subject is encountered.

#### **I. Flashlight and Other Weapons of Opportunity**

1. The authorized departmental flashlight should never be used as a weapon of choice but rather as a weapon of opportunity. If the flashlight is used as a weapon of opportunity it will be considered an impact weapon and will be used in exigent circumstances at a Level 4 or higher response on the Use of Force Matrix.
2. Any other item (e.g., radio, clipboard, etc.) that is used as a weapon of opportunity will be considered an impact weapon and will be used in exigent circumstances at a Level 4 or higher response on the Use of Force Matrix.
3. If the authorized departmental flashlight or any other object must be used as a weapon of opportunity the strikes should only be directed at the same areas of the body and in the same manner as if utilizing an approved expandable baton.
4. In the event that the authorized departmental flashlight, or other weapon of opportunity, is used as an impact weapon, the officer should disengage as soon as the situation permits and transition to an approved impact weapon chemical agent or defensive tactic.
5. An officer may utilize any readily available object or empty hand technique as a weapon in circumstances or situations where the actions of a subject constitute Level 6 Resistance that could result in great bodily injury, permanent disability, permanent disfigurement or death to the officer or others.

#### **J. Training and Qualifications – Deadly Force Weapons**

1. While engaged in official duties, to include off-duty assignments, officers shall only carry weapons and ammunition issued/approved by the North Charleston Police Department.
2. A certified firearms instructor will inspect and approve all weapons prior to their issue to an officer and during annual qualifications. The Training Section will maintain an inventory of all duty weapons excluding those special weapons assigned to the SWAT Team. The SWAT Team Supply and Equipment Manager will maintain an inventory of their special weapons in accordance with Policy O-22 (Special Weapons and Tactics Team). These inventories will include the model, make, and serial number of each weapon, the date of issue and the name of the officer they have been issued to.

3. Any officer desiring to carry other than the departmental issued firearm during off-duty status, must complete the following procedures:
  - (a) Successfully have the weapon inspected by a certified firearms instructor at the direction of the Training Unit to ensure proper function and operation.
  - (b) Successfully complete the departmental off-duty qualification course under the direction of the Training Unit.
  - (c) Submit an administrative action form to the Chief of Police via chain of command with attached verification of steps (a) and (b). The Chief of Police determines the brand names of off-duty weapons and ammunition authorized by the department via Special Order.
4. The caliber of any approved off-duty weapon shall be a minimum of 380 with the capacity to hold a minimum of at least five (5) rounds of ammunition. The caliber of the off-duty weapon shall also not exceed the caliber of the officers assigned on-duty weapon issued by the department.
5. Inspection of weapons will include, but not be limited to, functionality, safety, sight alignment and appropriate maintenance. All weapons are subject to inspection at any time and may be removed from use when it is determined to be in the best interest of the department.
6. All officers will be provided a copy of the department's Use of Force Policy. Training in the content and intent of the Use of Force Policy will be accomplished and acknowledged in writing, prior to being authorized to carry a weapon.
7. Authorized weapons are those issued by the department or, in the case of off-duty weapons, comply with departmental specifications and are properly registered with the Training Section.
8. Unless officially working in an undercover capacity, officers will not carry weapons when:
  - (a) The officer is intending to or does consume alcohol.
  - (b) The officer is taking prescribed or over-the-counter medication that impairs reactions in any way.
9. The North Charleston Police Department will conduct training and review of the Use of Force policy for all officers, as well as training and qualification for duty, off-duty, and specialized weapons, at least annually, which shall be scored on a pass/fail basis by a certified firearms instructor.
10. The Training Section will review guidelines for the safe and proper storage of agency authorized firearms.
11. Officers who fail to qualify with their duty weapon in accordance with department testing procedures shall receive remedial training at the direction of the Training Section, prior to resuming official duties. Failure to qualify after remedial training may result in termination. Only those officers who have demonstrated proficiency are authorized to carry such a weapon.
12. A police officer who has taken extended leave or suffered an illness or injury that could affect his/her use of firearms ability will be required to re-qualify before returning to law enforcement duties.
13. The Training Section Lieutenant will document that each officer within the department has received annual training on the Use of Force Policy and firearms training. The report is due January 15<sup>th</sup> of each year and will be forwarded, via chain of command, to the Chief of Police.

**K. Guideline for safe and proper storage of firearms**

1. The safe and proper storage of department firearms while off duty is paramount.
2. Officers with family at home should provide them with general firearms safety guidelines. Officers with children in the household should provide strict rules in reference to firearm safety to their children.
3. Officers who do not wear their weapon off-duty will store their weapon in one of the following manners:
  - (a) in a locked box, safe, or other secured container.
  - (b) in any unlocked container with the magazine out and separated from the weapon.

(c) if firearm(s) are temporarily stored in a vehicle, the vehicle doors must be locked and the weapon(s) secured in a closed compartment or in an area not visible to the public.

(d) for the safety and security of all firearms, officers will not store them in any vehicle while out of service.

#### **L. Training and Qualifications –Less Than Lethal Weapons**

1. Chemical Agent, Taser, Expandable Baton, and Less Lethal Impact Munitions will only be carried and used by officers who have successfully completed the departmental approved training course.
2. All officers assigned a less than lethal weapon will be required to complete a mandatory departmental approved training and proficiency course, to include annual or biennial recertification.
3. Officers will be required to be exposed to the department's chemical agent as part of their initial certified training. Biennial recertification training will not require a repeated exposure.
4. The Training Section Lieutenant will document that each officer within the department has received annual or biennial training on the use of less than lethal weapons. This information will be captured in the Training Section's Annual Report.

#### **M. Medical Treatment**

1. In all cases of use of force, whether deadly or non-deadly force, medical treatment, consistent with any injury sustained by any individual, will be immediately provided in the form of immediate minor first aid or a request for EMS.

#### **N. Reporting Use of Force**

1. A supervisor will be required to respond to the scene whenever a Level 4 or higher Use of Force response occurs.
2. Written incident reports are required whenever an officer uses a minimum of a Level 3 response in the Use of Force Matrix. Officers are required to articulate the facts in the written incident report surrounding any use of force incident. Detailing the officer's response to a subject's actions is necessary in the written incident report for future prosecution.
3. An incident report and interdepartmental report shall be required whenever an officer takes any action that results in (or is alleged to have resulted in) the injury or death of another person, to include any use of force involving the use of defensive weapons (Taser, Chemical Agent, Expandable Baton, Less Lethal Impact Weapons). A supervisor will also be required to respond to any of these incidents. Situations also included in this procedure are:
  - (a) Excluding recreational or training purposes, the intentional discharge of any departmental primary, off-duty, or defensive weapon.
  - (b) Any accidental discharge of a firearm.
  - (c) Property damage or allegation of property damage.
4. When reports are required under normal circumstances, the incident report will be completed by the originating officer and the interdepartmental report will be completed by an on-duty supervisor.
5. In the event of a critical or traumatic incident that is being investigated by an outside agency, a brief interdepartmental report will be completed with just the pertinent information at the time of the initial response. The conclusion of the interdepartmental report will only name the investigating agency responsible for the investigation. In the event of possible loss or destruction of evidence due to unforeseen circumstances, the immediate supervisor will ensure photographs have been taken of the incident location(s) and attach them to the interdepartmental report. At the conclusion of the incident, both the incident and interdepartmental report will be forwarded through the chain of command to the Division Commander.
6. Each ranking officer within the chain of command will sign the interdepartmental report acknowledging they have reviewed the incident. The Division Commander will then forward the report to the Office of Professional Standards for review and possible follow-up investigation. If a violation of policy has occurred, the Office of Professional Standards will review and report directly to the Chief of Police.

7. The supervisor completing the Interdepartmental Report will also complete the Taser Deployment Report Form in any incident involving the discharge of the Taser.
8. An officer who presents and points a Taser at a person, but does not discharge it, will complete a Taser Deployment Report Form.
9. In any incident involving the presentation of a Taser, which does not require the generation of an incident report, the officer will complete and attach a Field Interview Card to the Taser Deployment Report Form. The form and interview card will be forwarded to the Office of Professional Standards through their immediate supervisor.
10. Any officer who deploys a patrol rifle will complete a Patrol Rifle Deployment Form. This form will be reviewed by their immediate supervisor who will then forward the form through the chain of command to their respective Division Commander. A copy of the Patrol Rifle Deployment Form will be forwarded to the Office of Professional Standards.
11. The Office of Professional Standards will conduct an annual analysis of all use of force reports and will submit a yearly report to the Chief of Police.

**O. Relief from Duty – Resulting in Death or Serious Physical Injury**

1. The Chief of Police has the discretion to place employees in an administrative status who are involved in critical or traumatic incident, such as a fatal motor vehicle collision involving an employee. Any employee who discharges a firearm at any individual or whose actions or use of force has resulted in the death or serious physical injury to another person will be placed in an administrative status.
2. The Chief of Police and Executive Staff will conduct an administrative review of all incidents involving an employee whose actions or use of force has resulted in the death or serious physical injury to another person. The purpose of this review is to determine whether to return the employee to regular duty status.